

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

REAL ESTATE INVESTORS ASSOC.,
JAMES WHITMEYER, JAMES PAIGE, JR.,
JAMES BAXTER, CARMELO MAZZURCO,
SEBASTIANO MAZZURCO, CHARLES LUDWIG,
and SAMUEL POLLINO,

Plaintiffs,

v.

ORDER
00-CV-815A

CITY OF JAMESTOWN, CITY OF JAMESTOWN
BOARD OF PUBLIC UTILITIES, SAMUEL TERESI,
in his official capacity as mayor of the City of
Jamestown and member of the Board of Public
Utilities, and MATTHEW DIMAS, in his official
capacity as Chairman of the Board of Public Utilities,

Defendant.

By Decision and Order filed March 11, 2005, the Court granted plaintiffs' motion for summary judgment and referred the issue of attorneys' fees and costs to Magistrate Judge Leslie G. Foschio, pursuant to Rules 54(d)(2)(D) and 72(b) of the Federal Rules of Civil Procedure and 28 U.S.C. § 636(b)(3). On March 21, 2006, Magistrate Judge Foschio filed a Report and Recommendation, recommending that plaintiff's motion for attorneys' fees and costs should be granted in the amount of \$49,590.40.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and the pleadings and materials submitted by the parties, and no objections having been timely filed, it is hereby

ORDERED, that for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, the Court awards plaintiffs attorneys' fees and costs in the amount of \$49,590.40, and it is further

ORDERED, that in accordance with this Order, the Clerk of Court shall enter judgment in favor of the plaintiff and take all steps necessary to close the case.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

DATED: April 13, 2006